

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

STEVEN W. LEMON,

Civil Case No. 09-6099-ST

Plaintiff,

O R D E R

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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KING, Judge:

The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on May 26, 2010. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation (#20) dated May 26, 2010 in its entirety.

IT IS HEREBY ORDERED that the Commissioner's Motion to Remand (#18) is GRANTED in part and DENIED in part, and the Commissioner's decision is REVERSED AND REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for the calculation and award of benefits.

DATED this 22nd day of June, 2010.

/s/ Garr M. King

GARR M. KING
United States District Judge